

Summary

This thesis deals with criminalistic reconstruction which is understood within criminal law as evidence, whereas criminology considers it as a criminalistic – tactical method. At the beginning, this thesis follows up on the concept of reconstruction, its main importance, its historical point of view and its conception within the other criminalistic methods. A very important part of the thesis is in the second chapter, where the types of criminalistic reconstruction are described. It is explained that the reconstruction of the crime as a specific method of criminalistic practice falls into the type of reconstruction of criminalistic significant negotiations and events. The main part of the thesis contains a detailed description of the reconstruction itself, especially its preparation, stages, procedural principles, tactical principles, methodological procedures, protocol, evaluation and documentation. Also, the case law of our courts when dealing with this issue, which often has a great impact on the possible development of this act is not forgotten. Particularly the most important findings of the Constitutional Court and decisions as well as resolutions of the High court are included. Furthermore, the comparative method is used and the legislation of the reconstruction in our Criminal Code Procedure is compared with foreign legal systems, namely Ukrainian, Russian, Polish, French, Austrian and Slovak. Foreign legal adjustments are not so different from our own legal adjustments, but sometimes we can find some different elements or some provisions that our Criminal Code Procedure does not contain. To clarify the terminology and clarity of legal terms, parts of the comparison were discussed with native speakers from Russia, Poland and France. Readers should also learn about the practical aspects of reconstruction that can be found in the criminalistic cases described in chapter eight. There are various facts and interesting matters regarding the reconstruction in each particular case. In the final stage of the work, the author deals with the consideration of the evidential value of the reconstruction, points out some shortcomings in the legislation and attempts to propose possible changes based on all studied materials that could help to improve this evidence. The aim of this work is to provide the reader with a view of the reconstruction both from the criminal law and criminalistic point of view. The reader should understand the basic importance of reconstruction, how it relates to criminal law, inclusion into the system of criminalistic methods, its preparation, process, termination and use in practice.

Key words: criminalistic reconstruction, evidence, criminalistic – tactical method